

US Serial No. 09/866,960
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Scancarella et al.

REMARKS

Claims 1-21 and 23-87 are pending in the application. The Examiner rejects the claims under 35 U.S.C. §103(a) as unpatentable over Shaw (WO 00/47168) and McDermott (U.S. Patent No. 6,248,336) in further view of Calello (U.S. Patent No. 5,849,275). The Examiner further cites pages 998-1004 from Cosmetics, Science and Technology, Emulsification, Chapter 42, (1966) by William C. Griffin, to substantiate his rejection, alleging that it is a *teaching reference to demonstrate that those skilled in the art clearly recognize the viscosity of an emulsion as a property of an emulsion which can be easily controlled*, and refers to pages 998-1004.

Applicants respectfully point out that the Office included a copy of Chapter 44, pages 1075 through 1102 of the Cosmetics, Science and Technology, Emulsification publication, not the chapter and pages referred to by the Examiner in his rejection.

Applicants respectfully request the Examiner to provide a copy of the Chapter 42, pages 998-1004 of the Cosmetics, Science and Technology, Emulsification publication referred to on page 3 of the Office Action.

Applicants further respectfully request that the Examiner reset the time period for response beginning from the mailing date of the Cosmetics reference.

Respectfully Submitted,


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